



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council

FROM: City Manager

MEETING DATE: March 22, 1989

AGENDA TITLE: Public Hearing to Accept Cost of Construction Report and Hear Objections from Property Owners Liable to be Assessed for Installation of Sidewalk at 1000 South Hutchins Street

RECOMMENDED ACTION: That the City Council do the following:

1. Receive and confirm the attached cost of construction report;
2. Hear objections or protests from property owners liable to be **assessed** for the installation of sidewalk;
3. If objections are overruled, adopt a resolution confirming the cost of construction report and confirming the assessment against the real property ;
4. Order preparation of a Notice of Lien and determine how it will be filed if assessment is not paid within five days.

BACKGROUND INFORMATION: There was one parcel within the Hutchins Street/ Rimby Street to Vine Street project limits that did not have sidewalks. During the construction of this project, that property owner was notified that sidewalk must be installed. The property owner did not install the sidewalk, and after the time prescribed in the Streets and Highways Code, the City notified its contractor to do that work. The work has been completed, and the code requires that the legislative body set a time and place to accept the cost of construction report and hear objections which may be raised by the property owner who is liable for the construction.

After the cost of construction report is confirmed by the Council, the property owner will be billed. If the bill is not paid within five days, the Council must decide how the cost of the installation will be collected. The following alternatives are listed in the Streets and Highways Code as the means to collect these costs:

1. File a Notice of Lien on the property (Streets and Highways Code §5890). This lien is filed with the County Recorder and remains on the property until it is paid or until the City files an Action to Foreclose. With this alternative, it could be years before the City collects.

APPROVED:

THOMAS A. PETERSON, City Manager

FILE NO.

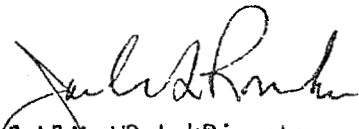
PETERSON/TXTW 102M

March 7, 1989

City Council
1000 South Hutchins
March 22, 1989
Page 2

2. Order the Notice of Lien to be turned over to the tax collector (Streets and Highways Code §5893). The tax collector would collect the amount with the next year's property tax, and if it is not paid with next year's taxes, it would become delinquent and be handled the same as other delinquent property taxes. This is the way street light assessment districts are handled.
3. Under Streets and Highways Code §5895, determine that the cost can be paid in annual installments, not to exceed ten years. Interest not exceeding 7% per annum may be charged. This does not, by itself, create a lien on the property.

It is staff's recommendation that the City turn the Notice of Lien over to the tax collector to be collected with the next year's property tax, if the property owner has not paid within the required time. This method would be consistent with how the City now collects on street lighting districts.


Public Works Director
Public Works

JLR/SB/mt

Attachment

cc: Don Kintr

CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor

JOHN R. (Randy?) SNIDER

Mayor Pro Tempore

DAVID M. HINGHAM

EVELYN M. GILSON

FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET

CALL SOX 3006

LODI, CALIFORNIA 95241-1910

(209) 334-5634

TELECOPIER : (209) 333-6795

THOMAS A. PETERSON

City Manager

ALICE M. KEIMCHE

City Clerk

BOB McNATT

City Attorney


REPORT OF COSTS INSTALLATION OF SIDEWALKS

CITY OF LODI
SAN JOAQUIN COUNTY
CALIFORNIA

TO: City Council

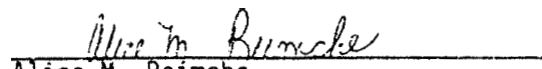
Pursuant to the requirement of Chapter 27 of the Streets and Highways Code of the State of California, I hereby certify that the following costs were incurred by the City of Lodi to install sidewalk at the following property:

<u>Owner</u>	<u>Address</u>	<u>Assessor's Parcel</u>	<u>Cost</u>
Donald H. Kinter	1000 S. Hutchins Street	045-110-29	\$1,378.65



Jack L. Ronsko
Superintendent of Streets
City of Lodi

Filed this 1st day of March,
1989, in the office of the City Clerk of
Lodi, California



Alice M. Reimche
City Clerk

SB/ jmr

LEGAL NOTICE

NOTICE OF CONTINUED PUBLIC HEARING BY THE LODI CITY COUNCIL
CALLED PURSUANT TO THE STATE OF CALIFORNIA STREETS AND HIGHWAY CODE
TO RECEIVE THE COST OF CONSTRUCTION REPORT AND
TO HEAR OBJECTIONS OR PROTESTS FROM PROPERTY OWNERS LIABLE TO BE ASSESSED
FOR THE COST OF SUCH CONSTRUCTION AT
1000 SOUTH HUTCHINS STREET, LODI, CALIFORNIA

WHEREAS, the State of California Streets and Highway Code provides that the City Council set a Public Hearing to accept the Cost of Construction Report and to hear objections or protests from property owners liable to be assessed for the cost of such construction at 1000 South Hutchins Street, Lodi, California.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi will conduct a continued public hearing to accept the Cost of Construction Report and to hear objections or protest from property owners liable to be assessed for the cost of such construction at 1000 South Hutchins Street, Lodi, to be held at 7:30 p.m. on March 22, 1989 in the Chambers of the Lodi City Council at 221 Nest Pine Street, Lodi, California.

Information regarding this matter may be obtained in the Office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. All objections or protests to the proposed action must be presented in writing to the City Clerk on or before the date and time set for the hearing of this matter as specified above. Failure to file a written protest in the time, place and manner specified may result in such protest or objection not being considered by the City Council.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to, the public hearing.

Dated: March 16, 1989

By Order of the Lodi City Council


Alice M. Reimche
City Clerk

CITY COUNCIL

JAMESW. PINKERTON, Jr., Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
EVELYN M. OLSGN
FRED M. REID

CITY OF LODI

CITY HALL 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER: (209) 333-6795

March 13, 1989

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB MCNATT
City Attorney

RECEIVED
ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

Don Kinter
1000 South Hutchins Street
Lodi, CA 95240

SUBJECT: Cost of Construction Report for Installation of Sidewalk at
1000 South Hutchins Street

As mentioned in our notice of cost of construction letter dated March 1, 1989, **enclosed** is a copy of the Council Communication discussing **this** item. **You** will note under Background Information **that** the City Council will determine which of the three options listed in the Streets and Highways Code as a **method** of **payment** will be made.

Also mentioned in the **March 1** letter, the Council meeting for **March 15** will be continued until **March 22** but that cannot be done until the evening of the 15th.

If **you** have **any** questions, please contact **me** or Sharon **Blaufus**.


Jack L. Ronsko
Public Works Director

JLR/SB/mt

Enclosure

LEGAL NOTICE

NOTICE OF PUBLIC HEARING BY THE LODI CITY COUNCIL
CALLED PURSUANT TO THE STATE OF CALIFORNIA STREETS AND HIGHWAY CODE
TO RECEIVE THE COST OF CONSTRUCTION REPORT AND
TO HEAR OBJECTIONS OR PROTESTS FROM PROPERTY OWNERS LIABLE TO BE ASSESSED
FOR THE COST OF SUCH CONSTRUCTION AT
1000 SOUTH HUTCHINS STREET, LODI , CALIFORNIA

WHEREAS, the State of California Streets and Highway Code provides that the City Council set a Public Hearing to accept the Cost of Construction Report and to hear objections or protests from property owners liable to be assessed for the cost of such construction at 1000 South Hutchins Street, Lodi, California.

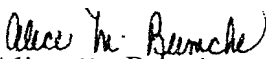
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Lodi does hereby set a public hearing to accept the Cost of Construction Report and to hear objections or protest from property owners liable to be assessed for the cost of such construction at 1000 South Hutchins Street, Lodi, to be held at 7:30 p.m. on March 15, 1989 in the Chambers of the Lodi City Council at 221 West Pine Street, Lodi, California.

Information regarding this matter may be obtained in the Office of the City Clerk at 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. All objections or protests to the proposed action must be presented in writing to the City Clerk on or before the date and time set for the hearing of this matter as specified above. Failure to file a written protest in the time, place and manner specified may result in such protest or objection not being considered by the City Council.

If you challenge the subject matter in court you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to, the public hearing.

Dated: February 15, 1989

By Order of the Lodi City Council

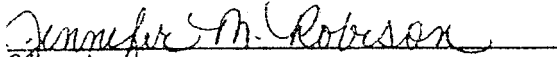

Alice M. Reimche
City Clerk

DECLARATION OF MAILING

On March 2, 1989, in the City of Lodi, San Joaquin County, California, I, Jennifer M. Robison, Administrative Clerk II, of the City of Lodi, served a copy of the attached notice by mailing a copy in the United States mail, postage prepaid, addressed to:

Donald H. Kinter
1000 S. Hutchins Street
Lodi, CA 95242

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 2, 1989, at Lodi, California.


Signature

DECLARATION OF POSTING

On March 2, 1989, in the City of Lodi, San Joaquin County, California, I, Mark White, Engineering Assistant of the City of Lodi, served a copy of the attached notice by posting a copy upon the premises at 1000 S. Hutchins Street, Lodi, California.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 2, 1989, at Lodi, California.


Signature

CITY COUNCIL

JAMES W. PINKEKTON, Jr., Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
EVELYN M. OLSON
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1510
(209) 334-5634

TELECOPIER (209) 333-6395

March 24, 1989

THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

BOB McNATT
City Attorney

ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Donald H. Kinter
1000 South Hutchins
Lodi, CA 95240

SUBJECT: Sidewalk Installation at 1000 South Hutchins Street

At its meeting of March 22, 1989, the City Council confirmed the assessment against the real property for the sidewalk that **was** installed by the City at the front of your property.

Enclosed is a bill in the amount of \$1,378.65. The Streets and Highways Code provides that the property owner be given five **days** in which to **pay** this assessment. If the bill is not paid within that time, a notice of lien will **be** turned over to the Tax Collector, and this amount will be collected with **your** 1989-90 property taxes. If not paid, it will become **dilinqunt** and **be** handled the same as other delinquent property taxes.

If you have any questions, you may contact the City Attorney at 333-6701.

for


9
Jack L. Ronsko
Public Works Director

JLR/SB/jmr

Enclosure

cc: City Clerk

LKINTER2/TXTW.01J

2/92 J/K

RESOLUTION NO. 89-35

A RESOLUTION OF THE LODI CITY COUNCIL
CONFIRMING THE COST OF CONSTRUCTION REPORT AND CONFIRMING THE
ASSESSMENT AGAINST THE REAL PROPERTY FOR SIDEWALK CONSTRUCTION
AT 1000 SOUTH HUTCHINS STREET, LODI, CALIFORNIA

WHEREAS, the State of California Streets and Highways Code Section 5616 et seq. provides that the City Council set a public hearing to hear and pass upon the Cost of Construction Report (Exhibit A), filed with the City Council for sidewalk construction, and to hear objections or protests from property owners liable to be assessed *for* the cost of such construction at 1000 South Hutchins Street, Lodi, California; and

WHEREAS, on March 22, 1989, at an adjourned regular meeting of the Lodi City Council, a public hearing was held to hear and pass upon the Cost of Construction Report and to hear objections or protests from property owners liable to be assessed for the cost of such construction at 1000 South Hutchins Street, Lodi, California; and

WHEREAS, no abjections or protests were raised by the property owners liable to be assessed for the work of making such repair, nor from any other interested persons; and

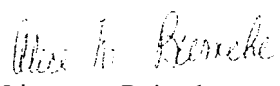
WHEREAS, Streets and Highways Code Section 5616 et seq. provides that the property owner be given a five-day period after confirmation of the cost by the City Council in which to pay the assessment;

NOW, THEREFORE, BE IT RESOLVED that the Cost of Construction Report and the assessment against the real property is hereby confirmed by the Lodi City Council.

Dated: March 22, 1989

I hereby certify that Resolution No. 89-35 was passed and adopted by the City Council of the City of Lodi in an adjourned regular meeting held March 22, 1989 by the following vote:

- Ayes: Council Members - Hinchman, Olson, Reid, Snider and
Pinkerton (Mayor)
- Noes: Council Members - None
- Absent: Council Members - None


Alice M. Reimche
City Clerk

CITY OF LODI

CITY HALL, 221 W. PINE ST

CALL BOX 3006

LODI, CALIFORNIA 95241-1910

CITY CLERK

Property Owner
1000 South Hutchins Street
Lodi, CA 95240

CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
EVELYN M. OLSON
FRED M. REID

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THOMAS A. PETERSON
City Manager

ALICE M. REIMCHE
City Clerk

RECEIVED

BOB McNATT
1989 FEB 14 PM 3:57 Attorney

ALICE M. REIMCHE
CITY CLERK
CITY OF LODI

February 14, 1989

Mr. Glen I. Baumbach
c/o Baumbach and Piazza
Consulting Engineers
323 West Elm Street
Lodi, CA 95240

Dear Glen:

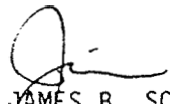
RE: General Plan Amendment
Rezoning
2414 West Vine Street and 1000 South Lower Sacramento Road

At its meeting of Monday, February 13, 1989 the Lodi City Planning Commission made the following recommendations concerning the block bounded by West Vine Street; Interlaken Drive; St. Moritz Drive and Lower Sacramento Road (APN 027-040-40 and (APN 027-040-49):

1. that the Land Use Element of the Lodi General Plan be amended by redesignating the south 127.7 feet of Parcels 1 and 2 as shown on Tentative Parcel Map 89 P 001 from Residential-Low Density to Office Institutional and the north 335 feet ± (Southwest corner of West Vine Street and Interlaken Drive) of Parcel 3 of the Same map from Office Institutional to Residential-Low Density;
2. that the south 127.7 feet of Parcels 1 and 2 as shown on Tentative Parcel Map 89 P 001 be rezoned from P-D(25) Planned Development District No. 25 to R-C-P, Residential-Commercial-Professional and to amend P-D(25) Planned Development District by reclassifying the north 335± feet of Parcel 3 of the same map to Residential-Single Family; and
3. that a Negative Declaration as filed by the Community Development Director be certified as adequate environmental documentation on the above projects.

The recommendations are being forwarded to the City Council. Alice M. Reimche, City Clerk, will inform you of the time and place of the Council's hearing on these matters.

Sincerely,



JAMES B. SCHROEDER
Community Development Director

cc: A. Fred Baker
Ronald B. Thomas
City Clerk